

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement: Ashley Townsend Dept.: LA Department of Education  
Board of Elementary &  
Secondary Education

Phone: 225-472-6527 Office: Governmental, Admin., and Public Affairs

Return  
Address: P.O. Box 94064 Rule  
Baton Rouge, LA Title: Part XI. Bulletin 118—  
Statewide Assessment Standards and Practices  
(LAC 28:XI.7311)

Date Rule  
Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule changes to LAC 28:XI. *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed change sets forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores for English learners with significant cognitive disabilities.

In the 2022-2023 school year, Louisiana administered the first alternate assessment for the English Language Proficiency Test designed for English learners with significant cognitive disabilities. Louisiana is one of nine states that are members of the Collaborative for the Alternate Assessment of English Language Proficiency (CAAELP), a federally funded, four-year project (2019–2023) in collaboration with the Iowa Department of Education and the National Center for Research on Evaluation, Standards, and Student Testing (CRESST) at the University of California, Los Angeles (UCLA).

Performance standards and cut scores, based on first-year operational administration student data, were developed from reviews and recommendations of the CAAELP Consortium Collaborative Council, including representatives from the Louisiana Department of Education (LDE) Office of Assessments, Accountability, and Analytics.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

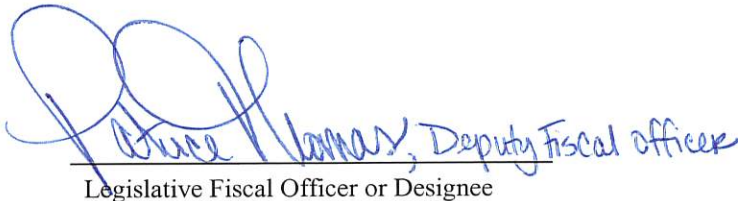


Signature of Agency Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance  
Typed Name & Title of Agency Head or Designee

11.8.23

Date of Signature

  
Legislative Fiscal Officer or Designee

11/08/2023

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed changes to LAC 28:XI. *Bulletin 118—Statewide Assssment Stanards and Practices* set forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores for English learners with significant cognitive disabilities.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

In the 2022-2023 school year, Louisiana administered the first alternate assessment for the English Language Proficiency Test designed for English learners with significant cognitive disabilities. Louisiana is one of nine states that are members of the Collaborative for the Alternate Assessment of English Language Proficiency (CAAELP), a federally funded, four-year project (2019–2023) in collaboration with the Iowa Department of Education and the National Center for Research on Evaluation, Standards, and Student Testing (CRESST) at UCLA.

Performance standards and cut scores, based on first-year operational administration student data, were developed from reviews and recommendations of the CAAELP Consortium Collaborative Council, including representatives from the Louisiana Department of Education (LDE) Office of Assessments, Accountability, and Analytics.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed rule change is not expected to result in any costs or savings to state agencies.

COSTS	FY 24	FY 25	FY 26
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

Not applicable.

SOURCE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact to local governmental units as a result of the proposed rule change.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will not result in costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition and employment as a result of the proposed rule change.

NOTICE OF INTENT

Board of Elementary and Secondary Education

English Language Proficiency Test Connect Cut Scores  
(LAC 28:XL.7311).

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XL.7311 in *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions set forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores for English learners with significant cognitive disabilities.

TITLE 28  
EDUCATION  
Part XI. Bulletin 118—Statewide Assessment Standards and Practices  
Chapter 73. English Language Proficiency Test (ELPT)  
Subchapter D. Performance Levels and Proficiency Standards  
§7311. Proficiency Standards

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

ELPT Performance Standards Cut Scores				
***				

ELPT – Connect Performance Standards Cut Scores				
Domain	Performance Standard Level 1	Performance Standards Level 2	Performance Standards Level 3	Performance Standards Level 4
Kindergarten				
Listening	61 or below	62-70	71-82	83-99
Speaking	73 or below	74-83	84-91	92-99
Reading	61 or below	62-70	71-82	83-99
Writing	73 or below	74-83	84-91	92-99
Grade One				
Listening	56 or below	57-64	65-83	84-99
Speaking	67 or below	68-82	83-94	95-99
Reading	56 or below	57-64	65-83	84-99
Writing	67 or below	68-82	83-94	95-99
Grade Two				
Listening	50 or below	51-60	61-79	80-99
Speaking	61 or below	62-80	81-87	88-99
Reading	50 or below	51-60	61-79	80-99
Writing	61 or below	62-80	81-87	88-99
Grade Three				
Listening	55 or below	56-65	66-82	83-99
Speaking	66 or below	67-83	84-89	90-99
Reading	55 or below	56-65	66-82	83-99
Writing	66 or below	67-83	84-89	90-99
Grade Four				
Listening	38 or below	39-51	52-83	84-99
Speaking	41 or below	42-72	73-80	81-99
Reading	38 or below	39-51	52-83	84-99
Writing	41 or below	42-72	73-80	81-99
Grade Five				
Listening	44 or below	45-57	58-86	87-99
Speaking	48 or below	49-77	78-84	85-99
Reading	44 or below	45-57	58-86	87-99
Writing	48 or below	49-77	78-84	85-99
Grade Six				

Listening	33 or below	34-42	43-79	80-99
Speaking	41 or below	42-64	65-83	84-99
Reading	33 or below	34-42	43-79	80-99
Writing	41 or below	42-64	65-83	84-99
<b>Grade Seven</b>				
Listening	34 or below	35-44	45-80	81-99
Speaking	42 or below	43-66	67-84	85-99
Reading	34 or below	35-44	45-80	81-99
Writing	42 or below	43-66	67-84	85-99
<b>Grade Eight</b>				
Listening	35 or below	36-45	46-80	81-99
Speaking	44 or below	45-67	68-85	86-99
Reading	35 or below	36-45	46-80	81-99
Writing	44 or below	45-67	68-85	86-99
<b>Grade Nine-Twelve</b>				
Listening	35 or below	36-46	47-82	83-99
Speaking	49 or below	50-67	68-76	77-99
Reading	35 or below	36-46	47-82	83-99
Writing	49 or below	50-67	68-76	77-99

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 46:16 (January 2020), LR 49:

COMPARISON DOCUMENT

TITLE 28  
EDUCATION  
Part XI.Bulletin 118—Statewide Assessment Standards and Practices  
Chapter 73. English Language Proficiency Test (ELPT)  
Subchapter D. Performance Levels and Proficiency Standards  
§7311. Proficiency Standards

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

<b>ELPT Performance Standards Cut Scores</b>
***

<b>ELPT – Connect Performance Standards Cut Scores</b>				
<b><u>Domain</u></b>	<b><u>Performance Standard</u></b> <b><u>Level 1</u></b>	<b><u>Performance Standards</u></b> <b><u>Level 2</u></b>	<b><u>Performance Standards</u></b> <b><u>Level 3</u></b>	<b><u>Performance Standards</u></b> <b><u>Level 4</u></b>
<b><u>Kindergarten</u></b>				
<u>Listening</u>	61 or below	62-70	71-82	83-99
<u>Speaking</u>	73 or below	74-83	84-91	92-99
<u>Reading</u>	61 or below	62-70	71-82	83-99
<u>Writing</u>	73 or below	74-83	84-91	92-99
<b><u>Grade One</u></b>				
<u>Listening</u>	56 or below	57-64	65-83	84-99
<u>Speaking</u>	67 or below	68-82	83-94	95-99
<u>Reading</u>	56 or below	57-64	65-83	84-99
<u>Writing</u>	67 or below	68-82	83-94	95-99
<b><u>Grade Two</u></b>				
<u>Listening</u>	50 or below	51-60	61-79	80-99
<u>Speaking</u>	61 or below	62-80	81-87	88-99
<u>Reading</u>	50 or below	51-60	61-79	80-99
<u>Writing</u>	61 or below	62-80	81-87	88-99
<b><u>Grade Three</u></b>				
<u>Listening</u>	55 or below	56-65	66-82	83-99
<u>Speaking</u>	66 or below	67-83	84-89	90-99
<u>Reading</u>	55 or below	56-65	66-82	83-99
<u>Writing</u>	66 or below	67-83	84-89	90-99
<b><u>Grade Four</u></b>				
<u>Listening</u>	38 or below	39-51	52-83	84-99
<u>Speaking</u>	41 or below	42-72	73-80	81-99
<u>Reading</u>	38 or below	39-51	52-83	84-99
<u>Writing</u>	41 or below	42-72	73-80	81-99
<b><u>Grade Five</u></b>				
<u>Listening</u>	44 or below	45-57	58-86	87-99
<u>Speaking</u>	48 or below	49-77	78-84	85-99
<u>Reading</u>	44 or below	45-57	58-86	87-99
<u>Writing</u>	48 or below	49-77	78-84	85-99
<b><u>Grade Six</u></b>				
<u>Listening</u>	33 or below	34-42	43-79	80-99
<u>Speaking</u>	41 or below	42-64	65-83	84-99
<u>Reading</u>	33 or below	34-42	43-79	80-99
<u>Writing</u>	41 or below	42-64	65-83	84-99
<b><u>Grade Seven</u></b>				
<u>Listening</u>	34 or below	35-44	45-80	81-99

<u>Speaking</u>	<u>42 or below</u>	<u>43-66</u>	<u>67-84</u>	<u>85-99</u>
<u>Reading</u>	<u>34 or below</u>	<u>35-44</u>	<u>45-80</u>	<u>81-99</u>
<u>Writing</u>	<u>42 or below</u>	<u>43-66</u>	<u>67-84</u>	<u>85-99</u>
<b>Grade Eight</b>				
<u>Listening</u>	<u>35 or below</u>	<u>36-45</u>	<u>46-80</u>	<u>81-99</u>
<u>Speaking</u>	<u>44 or below</u>	<u>45-67</u>	<u>68-85</u>	<u>86-99</u>
<u>Reading</u>	<u>35 or below</u>	<u>36-45</u>	<u>46-80</u>	<u>81-99</u>
<u>Writing</u>	<u>44 or below</u>	<u>45-67</u>	<u>68-85</u>	<u>86-99</u>
<b>Grade Nine-Twelve</b>				
<u>Listening</u>	<u>35 or below</u>	<u>36-46</u>	<u>47-82</u>	<u>83-99</u>
<u>Speaking</u>	<u>49 or below</u>	<u>50-67</u>	<u>68-76</u>	<u>77-99</u>
<u>Reading</u>	<u>35 or below</u>	<u>36-46</u>	<u>47-82</u>	<u>83-99</u>
<u>Writing</u>	<u>49 or below</u>	<u>50-67</u>	<u>68-76</u>	<u>77-99</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 46:16 (January 2020), LR 49:



**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)**

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225-472-6527  
**Division:** Governmental, Administrative, and Public Affairs  
**Rule Title:** Part XI. Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:XI.7311)

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the stability of the family? No
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No
3. Will the proposed Rule affect the functioning of the family? No
4. Will the proposed Rule affect family earnings and family budget? No
5. Will the proposed Rule affect the behavior and personal responsibility of children? No
6. Is the family or local government able to perform the function as contained in the proposed Rule? Yes

Signature of Contact Person:   
Date Submitted: 10/13/2023

**POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)**

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225-472-6527  
**Division:** Governmental, Administrative, and Public Affairs  
**Rule Title:** Part XI. Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:XI.7311).

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word “poverty” means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the household income, assets, and financial authority? No
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No
3. Will the proposed Rule affect employment and workforce development? No
4. Will the proposed Rule affect taxes and tax credits? No
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No

Signature of Contact Person:   
Date Submitted: 10/13/2023

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, December 11, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.